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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 158 OF 2006

Vishwanath P. Acharekar

... Appellant

Versus

Swati A. Dalia and Anr.

... Respondents

None for the Appellant.

Ms.Sharmila S. Kaushik, APP for the Respondent No.2 – State.

CORAM : S. M. MODAK, J.

DATED : 19th DECEMBER, 2022

P. C. :-

1. The Court of 12th Metropolitan Magistrate, Bandra, Mumbai has acquitted the Respondent-Accused for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (26 of 1881) for the reason that issuance of a cheque towards discharge of legally enforceable debt or liability is not proved. This is challenged by the Complainant.
2. On 5th March, 2020, no one had appeared and even on 29th November, 2022. Hence, matter was kept on 6th December, 2022, under the caption “direction”. Then also, no one has appeared and hence, today the matter is fixed for “dismissal”.
3. Today also, no one is present on either of the side. Hence, matter is dismissed for non prosecution.

(S. M. MODAK, J.)